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Corp.

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

ORACLE USA, INC., a Colorado corporation;  
ORACLE AMERICA, INC., a Delaware  
corporation; and ORACLE INTERNATIONAL  
CORPORATION, a California corporation,

Plaintiffs,

v.

RIMINI STREET, INC., a Nevada corporation;  
SETH RAVIN, an individual,

Defendants.

Case No 2:10-cv-0106-LRH-PAL

**DECLARATION OF GEOFFREY M.  
HOWARD IN SUPPORT OF  
ORACLE'S OPPOSITION TO  
DEFENDANT RIMINI STREET'S  
EMERGENCY MOTION FOR  
PROTECTIVE ORDER REGARDING  
CUSTOMER DEPOSITIONS**

1 I, Geoffrey M. Howard, declare as follows:

2 1. I am a member of the State Bar of California, and a partner at Bingham  
3 McCutchen LLP, counsel of record for Plaintiffs Oracle USA, Inc., Oracle America, Inc. and  
4 Oracle International Corporation (collectively, "Oracle") in this action. I have personal  
5 knowledge of the matters stated in this declaration by virtue of my representation of Oracle in  
6 this action. If called and sworn as a witness, I could and would competently testify as to such  
7 matters.

8 2. Attached as **Exhibit A** is a true and correct copy of an article, *The Man Behind*  
9 *'Half Off' Third-Party Software Maintenance*, written by Thomas Wailgum and published on  
10 April 11, 2008 in CIO. This article is available at [http://www.cio.com/article/333313/The\\_Man\\_](http://www.cio.com/article/333313/The_Man_Behind_Half_Off_Third_Party_Software_Maintenance)  
11 [Behind\\_Half\\_Off\\_Third\\_Party\\_Software\\_Maintenance](http://www.cio.com/article/333313/The_Man_Behind_Half_Off_Third_Party_Software_Maintenance).

12 3. Attached as **Exhibit B** is a true and correct copy of transcript excerpts from  
13 Oracle's Deposition of Michael Davichick, taken on July 21, 2011. The excerpts include  
14 263:24-264:16.

15 4. Attached as **Exhibit C** is a true and correct copy of transcript excerpts from  
16 Oracle's Deposition of Thomas O'Brien, taken on November 7, 2011. The excerpts include  
17 22:14-19.

18 5. Attached as **Exhibit D** is a true and correct copy of the Complaint for Damages  
19 and Injunctive Relief for: (1) Violations of the Computer Fraud and Abuse Act; (2) Violations of  
20 the Computer Data Access and Fraud Act; (3) Intentional Interference with Prospective  
21 Economic Advantage; (4) Negligent Interference with Prospective Economic Advantage, Case  
22 No. 07-CV-01658, N.D. Cal., Dkt 1.

23 6. Attached as **Exhibit E** is a true and correct copy of a document produced by CKE  
24 Restaurants, Inc. in this matter, Bates number CKE-SUB00218-23.

25 7. Attached as **Exhibit F** is a true and correct copy of transcript excerpts from  
26 Oracle's Deposition of Seth Ravin, taken on May 21, 2009. The excerpts include 70:23-71:8.

27 8. Attached as **Exhibit G** is a true and correct copy of a document produced by  
28 Birdville Independent School District in this matter, Bates number BISD-SR00168-72, also

1 identified as Strong Deposition Exhibit 602.

2 9. Attached as **Exhibit H** is a true and correct copy of the Trial Stipulation and  
3 Order No. 3 Regarding Certain Facts (“TomorrowNow Stipulation”), Case No. 07-CV-01658,  
4 N.D. Cal. Dkt. No. 911.

5 10. Attached as **Exhibit I** is a true and correct copy the Plea Agreement, Case No. CR  
6 11-00642, N.D. Cal., Dkt No. 13.

7 11. Attached as **Exhibit J** is a true and correct copy of a document produced by  
8 Reflexite, in this matter, Bates number REFLEXITE-SUB01890-95.

9 12. Attached as **Exhibit K** is a true and correct copy of transcript excerpts from  
10 Oracle’s Deposition of Kim Cabada, taken on November 3, 2011. The excerpts include 14:7-  
11 17:23, 18:9-19:3, and 20:1-8.

12 13. Attached as **Exhibit L** is a true and correct copy of a document produced by  
13 Wendy’s International in this matter, Bates number WENDYS-SUB00055.

14 14. Attached as **Exhibit M** is a true and correct copy of transcript excerpts from  
15 Oracle’s Deposition of Clark Strong, taken on October 20, 2011. The excerpts include 57:19-  
16 58:25.

17 I declare under penalty of perjury that the foregoing is true and correct. Executed in San  
18 Francisco, California, on November 10, 2011.

19  
20 DATED: November 10, 2011

BINGHAM McCUTCHEN LLP

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22  
23 By: /s/ Geoffrey M. Howard  
24 Geoffrey M. Howard  
25 Attorneys for Plaintiffs  
26 Oracle USA, Inc., Oracle America, Inc.,  
27 and Oracle International Corp.  
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